776 the daily movement of the sun "which unfolds until evening." The
292 regularity of the rays symbolizes order and the classification of beings and things by Faro. The /41/ ends of the straw sprigs forming the spiral must remain free: they represent the infinite extension of Faro's realm and power. The hat is also a mask "which hides Faro's invisible face and through which he watches over the world" (1).

1. Today, a basket of considerably higher dimensions is made and used by women (See pl. I, b).

[643] The headgear yugu was formerly reserved for the king, who wore it under a turban. Certain deserving old men were also permitted to keep it. The rituals of making and wearing this headdress attest to the importance attributed to it. In particular, when an old man was [695] suspected of having committed a serious offense, his hat was pierced with four holes representing the four cardinal points. He was then made to wear it, thus submitting him to Faro's judgment; if found guilty, he died.

776 As the spirit of the waters, Faro is supposed to belong to the white race and his body to be half albino flesh and half copper (pl. I, c).

776 A myth relates how his physical being was formed.
713 When Faro caused the streaming waters to descend on earth, he manifested himself for a long time only by his voice. He had no body, and since he needed appropriate matter to achieve one, he bided his time in the waters of the sea.

The winged spirit Téliko, who had the body of an albino, wished one day, in his arrogance and jealousy, to cross the world in order to know it and to dominate it. Faro, warned by the dogfish, decided to seize his enemy's body to complete his own. The albino, who always flew, fed on his own substance. He chewed his own flesh and his bones were soon bare; the marrow came out of them. It turned into red copper which fell into the sea and nourished Faro.

While Téliko descended to the water level, the dogfish that was watching him sang in order to attract him. The albino, aware of the danger, climbed back to the highest heaven, attempting to continue his flight and to reach the ends of the world. But he quickly lost strength and after his dya had fallen into the waters, his body was

*173 members: "Sowing-time is at hand, and it would be a good thing if we were to cultivate for my mother and for Sibiri's mother." The ton-den' replied: "Since you ask us to work for Sibiri's mother too, we shall do so; if you had asked only for your own mother, we should have refused. We are not your slaves but are and intend to remain free men."

They worked for a fortnight in Mamari's mother's field and then for another fortnight in the field belonging to Sibiri's mother. Then, to express his gratitude, Sibiri's father, old Ménkoro, presented them with a wild ox and expressed a wish to join the ton'. Mamari slyly replied: "Ask my father." "Yes, yes, I know," said Ménkoro, "I was mistaken and I ask your pardon." He was accepted and brought with him Mya-Ngue Dembélé of Dina.

So it was that Mamari's ton' continued to acquire slaves; the slaves came in order to have an illusion of freedom, and the weak in order to have protection.

Rivalry between the fla-n-ton' of Ségou and Doua

The people of Doua could hardly fail to take umbrage at this prosperity, which was more and more a threat to [33] their domination. Therefore, Kassoum's ton' used all possible means to combat its rival, Mamari's ton'.

One day Kassoum and his followers sought out Mamari and insisted on an eventual reconciliation between the two groups. Mamari refused. Kassoum tried to stem the current of enmity and offered to take an oath as a guarantee of his good intentions. Mamari stopped him, however, saying: "No, let us not swear. In the first place, I can do nothing without the members of my ton' and, secondly, since you are strong and I am weak, an oath between us would have no meaning." Kassoum was insistent, [695] however; while they were talking, they came to a stone well and Kassoum pronounced the sacramental words, ate one half of a kola nut and let the other half fall to the bottom of the well. "That's all very well," said Mamari," but that only binds you.

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(lambe, in the local dialect) which, south of Ouossébougou, has its source near Dongué and ends in a pool at Ouaha. In Soninké, "Lamballaré" means literally "on the edge of a watercourse," and the Bambara use "Kodala" in the same sense. In Sounsan's day, this was a small canton ruled by the Soninké of Darigo, a village called Douabougou (market) by the Bambara and situated on one of the branches of the Segabala (of the maps), a tributary of the Baoulé.

According to Raffenel (Vol. I, p. 365), the Soninké village was called Baïko, a name unknown to me and one which seems likely to have resulted from a mishearing of the name Darigo. In any case, its identification with Bammako, as proposed by Raffenel, is unacceptable.

*173 accepted the hospitality of a blacksmith, fa Siné Dyara, asking the latter's protection from probable pursuit by Barama Ngolo. Fa Siné was poor but he is said to have understood the language of the birds and, at the very moment when he was talking to Sounsan, a passing bird told him that powerful chiefs would descend from his guest. That is why he said to Sounsan: "I'm a poor man, but I'll do all I can for you and your descendants. In return, I ask that you promise -- for yourself and for them -- these things: first, that you never kill nor imprison any of my people; then [104] that, every time the head of your family changes, a wife and a horse belonging to the dead man be given to the head of my family."

• [695] They swore on a copper anvil which was thrown into a well, and after that fa Siné told Sounsan where he was to settle.

Sounsan was still closely allied to some of the Taraoré, whose descendants now live in the Diangounté area. They gave him a wife named Dougo (1), who was the mother of his son Massa.

1. According to another version, Dougo

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between Deni-ba Bo for the Massa-si of Kaarta and Suleyman Ba for the people of Fouta.

belonging to the other's community, at least virgins or women reputed to be such. This is because a first sexual contact is likely to result in some flow of blood, and brotherhood imposes a terrible punishment on anyone who sheds the blood of a blood-brother or one of his people. As is apparent, the obligation undertaken by the contracting parties holds for all their descendants, regardless of sex and in infinitum. Henceforth there is a very close solidarity between the two communities, who are so bound to mutual aid that, in practice, anything (including lies, slander, and perjury) is permissible to overcome a common enemy or, in any event, to help the ally in trouble.

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In place of the brotherhood oath, many other forms of oath can be used. Thus, the chronicles tell of Sounsan and Fa Siné forming an alliance with an oath which was undoubtedly binding, because the anvil on which it was sworn was afterwards cast into a well. Nko, Sounsan's god, received the oath under which the "young men" who were Massa's companions allied themselves to the latter's fate. At Ségou, the tondyon' likewise swore loyalty on the idols.

These sacramental agreements are endlessly varied, but they bind the parties only under the stipulated conditions, especially as regards the respective communities of the fa who take the oath.

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III. Marriage. There is no better way for a Bambara to show his attachment to someone whose alliance or friendship he desires than by giving him as a wife one of the girls of his own community and providing her with a generous dowry. This is one of the most solemn forms of alliance between communities (2).

2. People united by marriage are called furu-nyuan' (spouses) and hiran' (allies).

794 Besides, this submission, if one may call it that, is merely a corollary of the solidarity existing between nyana-den'. This solidarity is shown to the profane whenever litigation arises outside the sphere of the brotherhood; nyana-den' do not [696] hesitate to bear false witness for the sole purpose of helping a guilty co-member evade the sanctions of profane jurisdiction.

For failure to fulfill his obligations or for any other wrong considered reprehensible by the brotherhood, the nyana-den' comes under the jurisdiction of this brotherhood.

Fearing the supernatural retribution which his misdeeds [783] [265] may provoke and seeing portents of it in apparently inexplicable things that cause him pain and surprise, the nyana-den' himself seeks pardon through some kind of expiation, determined by his own intuition alone or by one of the clergy.

On other occasions, the guilty person fails to denounce himself, not merely by deliberate design but sometimes because [787] he is not aware of his wrongdoing and its consequences. In that case it is the wara-da (oracle) who reveals it in a trance.

794 The clergy is led, by means of self-accusation, denun-695 ciation by witnesses, or accusations based on the most varied imputations, to learn, to investigate, to adjudicate, and to punish the acts of the faithful in material as well as spiritual matters. In the process of carrying out its duties in this respect, the clergy uses every imaginable means of obtaining information and of examination, but the proof of guilt that they particularly want is confession.

The various procedures used to persuade the accused to confess his wrongs may be put under three headings: oath, torture, and divination.

When an oath is taken, the boli is provided with an accessory known as the siri-kun' (knot), to which seven straws are attached. The person taking the oath (kali boli la, "to swear on the boli") then pronounces the usual formula: "May the nyana take my heart and my liver if I lie." When two people exchange this oath in order to vouch for their respective statements, they are said to have "tied the boli" (boli syen'), and it is believed that anyone who perjures himself will be put to death

794 by the god. It is conceded, however, that a perjurer may re-
695 deem himself by gifts and sacrifices whose nature and value are decided by the clergy.

Torture includes the most diverse types of moral and physical constraint thought to be efficacious in getting a confession: usually flogging, imprisonment, starvation, mutilation, and other tortures, often horrible. A method that often succeeds and that is commonly used is to offer up the unknown guilty party to the wrath of the nyana; it is not at all rare for the guilty person to confess at the first signs of discomfort due to auto-suggestion. It is so firmly established that the wrath of the nyana is always implacable and terrible that innocent persons, accused only for the sake of exploiting them, have been known to confess abominable crimes which they [266] never committed, for instance, in cases of accusation of sorcery.

[787] Divination comes to the support of the inquiry, and the deity's revelations are combined with endless spying among the members.

It goes without saying that these various methods of inquiry are not used alone; they are combined so as to provide mutual support.

On the basis of findings made in this way, the clergy passes judgment and has the sentence carried out in a despotic and often mysterious manner (1).

1. Indeed, most of the brotherhoods owe their terrifying reputations to the fact that sentences resulting in death or disappearance have been carried out by ways and agents who remain mysterious.

794 The penalties are varied and arbitrary; the importance
696 of a misdemeanor is not determined in advance on the basis of specific characteristics. Rather, everything depends on the clergy's interest in the case, and this interest is influenced by the most appalling intrigues. Therefore, even though the accused is guilty of the most terrible crimes, he may escape punishment entirely provided he can satisfy the demands of the

643 so that he may keep separate the interests of his house and those of the country.

Nomination of the Fama. The title of Fama remains in the family around which the canton has grown. Power passes from older to younger brother until a generation dies out, then goes to the oldest brother in the next generation, for, as a general rule, the living male nearest to the original ancestor should reign. However, the history of Ségou shows us how certain Fama have tried to establish direct succession from themselves to their eldest son. But the 643 accession of the Fama is submitted to the ratification of a council 645 of notables which includes the following persons.

a. The young chiefs, male descendants in the first degree of the Fama; they are directed by the eldest among them, with the second eldest being his syere or heir presumptive.

b. The old masters who are the Fama's brothers.

c. Their sons and all circumcised fathers of families.

643 Power of the Fama. The power of the Fama is founded on custom and religion. He is the earthly representative of all the ancestors; he is the radiating center which gives life to all the society; he is the Word of his people. He decides the crops, regulates commerce, concludes alliances, declares wars, renders justice, imposes taxes. He is the guardian of custom and the legislator of new laws, the organizer of the time and space he governs. His word is very powerful and dangerous; his decisions are whispered in the [326] ear of a blacksmith, who repeats them aloud to the assembly. His very glance makes his subjects tremble, and they approach him grovelling, forehead in the dust. No quarrel may break out in his presence, no violence committed; his power over men and goods is [645 absolute. Nevertheless, all his decisions are taken after consultation 646] with the notables and with the assembly of delegates from each village. If one of the members of the assembly disagrees with the Fama about a point of law, he gets up and leaves the meeting without saying anything, marking his disapprobation in this manner. When a law is [695] passed by all the assembly, each member swears an oath, on the tomb of an ancestor or the altar of the komo [one of the mens' societies], in behalf of himself and his descendants.

692 In matters of justice, the Bambara frequently continue to consult their old tribal judges. It must be noted, however, that in taking [177 away the judicial competence of the old chiefs, the French ad- 622] ministration has contributed to diminishing, and almost to completely destroying, their power.

The Bambara had a judicial organization quite as precise and 671 regulated as their religious organization, although there was no codified law, such as the Koran or the Hebrew tables of law. Justice was rendered according to rules which each community passed on from generation to generation. These rules are not of divine origin, but they [69] are sacred nevertheless, for custom is the legacy of [643 the ancestors. The Fama and his council of notables could promul- 645] gate new laws, but, before deciding on a new rule, they consult the Komo and the Nyama [an altar]. Then, in the presence of a priest, each one swears on the altar to obey the law which becomes sacred. Moreover, the customary rules cannot be separated from the moral [184] code and the religion to which they are linked. They are not uniform; each canton has its own, and often each village, and within each of these there are observances peculiar to certain families or to certain castes. Nevertheless, the sentiment of fair play is very strong [181] among the Blacks, but they do not admit the equality of men, who are naturally different one from another according to their aptitudes, means, and condition.

Custom regulates all relations between individuals and between individuals and the collectivity.

692 Two sorts of native tribunals existed in the Bambara country: a tribunal of conciliation, presided over by the village chief, who assembled a council of notables; and a high tribunal presided over by the Fama, to whom were submitted the matters which the first tribunal had been unable to settle. In addition, the Fama could call before his tribunal the civil or penal matters which seemed to him to be of importance to the public order.

● 695 Justice was without charge and rendered day and night by the 643 Fama as one of his essential functions, for the judge is the one who repairs the disorders that shake society. The hearings were solemnly conducted and took place under the silk-cotton tree (Ceiba pentandra)

695 643 or in the chief's vestibule, that is to say, under the light of a certain constellation and witnessed by the founding ancestors who link the judge with the supernatural powers. The Fama was seated on a throne perched on a platform; at his right were the notables, at his left the griot, the priests, and the old captives; behind him stood the [195] sofa. The blacksmith or a captive repeated aloud what the Fama whispered, for the Fama should not raise his voice. Neither women nor children could attend the public sessions. Formerly, the mere view of the Fama filled the accused with terror, and he prostrated himself in the Fama's presence. The Fama could put the accused in irons until he was judged (1).

1. V. Paques, "L'estrade royale des Niare" [The Royal Platform of the Niaré] Bull. de l'Ifan, Vol. XV (1953), No. 4.

671 Bambara law sought above all to make reparation, to restore order, and only after that to punish.

a. Proofs (2)

2. Passim. Coutumier juridique de l'A.O.F. [French West African Common Law].

695 The plaintiff must prove his case, and the accused must prove his innocence. Elements of proof may be confession, testimony by witnesses, oath taking, expert opinion, and examination of the scene.

If indications of guilt are strong enough, the Fama may force the accused to confess by having him whipped.

Each party may call witnesses in the following order: circumcised men, married women, unmarried girls (who, however, cannot [70] take the oath), and, lastly, children if there are no [608] other witnesses. The sénanku are exempted from bearing witness against each other.

695 False testimony is punished by confiscation of all goods and [687] arrest of the whole family; part of the goods goes to the victim. If the witness refuses to take the oath, his refusal is evidence against the party that called him. When the parties in a trial disagree, the Fama makes one swear on the Komo, on his platform, or on the tomb of the group's founding ancestor. When the oath has been pronounced, the adversary may efface it by taking the oath in his turn. Then judgment will be suspended; but before 40 days have passed the perjurer must die.

[687] Anyone who attempts to suborn a witness or a child will be punished in the same fashion as the false witness.

The Fama must assign to one or several notables the mission of examing the scene where the disputed incident took place; he may designate a notable to examine and evaluate the damages. Once their mission is accomplished, the notables are subject to the same obligations as the witnesses.

693 The role of defense attorney was taken by one of the Fama's
695 advisors, a relative, a griot, a blacksmith, or a favorite of the Fama, he who "speaks best." The accused, or someone from his family, approached the prospective defender and offered him a gift, asking him to intervene in his favor. But the counselor had only the power to save the life of the condemned who had to pay a settlement; all punishments other than death were applied.

625 Police functions were carried out by the sofa and by members of the brotherhoods.

b. Punishments

681 The punishments were, in order of descending importance: death, being put in irons permanently or for a set time, the whip, the fine, confiscation of the family, confiscation of goods, sale to the slave traders.

Murderers and inveterate brigands had their heads cut off; [562] spies had their heads shattered by an axe or were bludgeoned (like dogs). A woman was never executed. The Fama who had a woman put to death would have seen his kingdom disappear.

All those condemned to irons were imprisoned in a hut, immobilized, the feet hobbled by a bar fixed to a ring; the patient

778 and on Sunday evening (tné sou, "the night of Monday"), the initiates
782 of the Komo like to go out or, if you like, dance their dances and shout their sacred hymns. Since the boli preside at all important events of life, circumcisions, marriages, deaths, etc., I will speak of the admission to the sects of these fetishes and the sacrifices offered to them when I discuss these matters. I will say, however, before closing this paragraph, that at no time or season does a village let a week go by without offering a sacrifice to the great boli which they own or dancing their dances. The staff of these fetishes is feared, dreaded, respected, and honored, and on days of celebration their owners are in the place of honor and sit next to the gnéna-n-sonnaba (religious head of a village), or at least next to the sotigi (civil head).

778 In addition to the formal sacrifices at which the initiates are
782 present, the great boli receive homage, tribute, and great streams of
● 695 blood from individuals: appeals for their intervention are made constantly. Over a mere nothing an oath on such a fetish -- called kali boli la (5) is required, and if a dispute arises between two families,

5. There is a slight difference between kali boli la and boli sien. To take the oath called kali boli la is to swear on the fetish that one is telling the truth, that one is innocent. Only the accuser sacrifices. Seven straws must be fastened onto the object called sirikoun, and the accused, blara boli koro, is placed under the boli -- his life is placed in its hands -- and is to die if he has lied. In performing the boli sien, the accuser and the accused both sacrifice. Here again seven straws are fastened onto the sirikoun, and the accused is placed in the fetish's power twice:

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first by the accuser and a second time of his own accord (a blara boli koro, "the accuser places him under the boli"; a y'i bla boli koro, "the accused has placed himself under the fetish").

a boli sien (5) is needed, for the fetish must again be called on to be

/See footnote 5 immediately preceding./

a witness. /153/ These oaths entail heavy expenses, for one hen is seldom enough and a goat is very often necessary. I have seen four or five dogs, equal to an expenditure of 20 to 30 francs, sacrificed over a trivial matter.

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The three chief sacrifices offered by individuals are the fani-nké (1), the gnénama fani (2), and the sou fani (3). The first is made

1. Fani, "small throat cutting"; ké, "to make."

2. Gnénama, "one who has life," "alive."

3. Sou, "corpse."

to obtain a favor, to place oneself in the good graces of the fetish; the second, to preserve one's life, to escape a death already decreed; and the third is offered to appease a fetish whom one blames for the death of a relative (4) and to entreat it to spare the survivors of the

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4. Eighty times out of 100, without exaggeration, death is blamed on a boli fetish.

684 626 As long as he has not received the entire indemnity, the injured husband shouts, threatens, and attacks the guilty woman and man with his fists, but then the last cowrie shell is paid and all is quiet. Furthermore, should he be slow in calming down, his wife would most certainly run away and everyone would treat him as a boor. In fact, after having harshly rebuked the culprit and his accomplice and made them promise never to repeat the offense, the headman and elders go to the hut of the husband and say to him: "Your wife has promised not to default on her honor again, her seducer has paid the fine, so come, pardon them!" When the elders, the headman in the lead, put themselves out like this, they impose their will, and whoever does not say with them: "Kouma banna (1), the matter is settled, let us speak no

1. Kouma, "word," "talk";
banna, "is finished."

more of it," is no less than a cad.

684 695 If adultery is established but the seducer and his accomplice have not been caught, the case becomes complicated, for the accused will deny the crime. The matter is brought before the court of elders, and, the powerful boli come out of their sanctuaries and for a moment leave the goatskins which they use as tabernacles. The accusers swear on the fetish (kali, "to swear," boli la) (2), and on the basis of the

2. Kali boli la, "may the boli kill me if I am lying."

verbal proofs that they bring testify that there has been adultery. The accused are summoned, and if they persist in denying the charge, they are commanded to swear on the fetish to attest their innocence. Quite often they refuse, /162/ and matters drag on. The suit must finally be settled, so the husband and the accusers call on the most popular fetish with the words: "An ta boli sien (1) let us sacrifice to

1. The boli sien consists of oaths by both the accusers and the accused.

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> The accusers swear: "If we are accusing falsely, may the boli kill us." The accused swear: "We are not guilty, and if we are may the boli kill us."

the boli, and may he take the life of the liar." When the council of elders has decided on the boli sien, it must be carried out. If the accused is guilty he will admit it, for to call on an idol to bear witness to a lie is to doom oneself to death, to decree one's own death. For a boli has no pity for a perjurer, and legends tell of more than one case identical to that of Ananias and Sapphira.

626 688 Some Negroes nevertheless perjure themselves. From then on they lose all peace; one fine day they can hold out no longer, and they go to find the master of the idol, and to him they confess their crime and their transgression. In order to save their lives they make 688 a gnénama fani (2), and when they have paid the fani-n-kolo (3),

> 2. Gnénama, "living thing," "one who lives"; fani, "throat cutting"; gnénama fani, "throat cutting for one's life."

> 3. Fani, "throat cutting," "sacrifice"; kolo, "cowrie shells," "price"; fani-n-kolo, "price of the sacrifice."

the staff of the fetish denounces the culprit (4).

> 4. A Negro who perjures himself in the presence of a fetish believes himself lost. Moreover, the boli taken as witness is the one most famous for its power in that circle, for instance, the Komo of Tigini,